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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 CLINTON E. CASEY,

8 Plaintiff,

9 v.

10 ALCOA CORPORATION, et al.,

11 Defendants.

C18-1358 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) The Court has reviewed Plaintiff's Motion to Compel, docket no. 25, the
15 Declaration of Justin Olson, docket no. 26, Defendant Arconic, Inc.'s Response, docket
16 no. 27, the Declarations of Mark B. Tuvim and Kevin J. Craig, docket nos. 28 and 29, the
Supplemental Declaration of Justin Olson, docket no. 30, and Plaintiff's Reply, docket
no. 31. Plaintiff's Motion to Compel, docket no. 25, is GRANTED in part as follows:

17 (a) The Court has previously rejected Defendant's argument that claims
of asbestos-related injury under the Industrial Insurance Act require actual
18 knowledge of certain injury at the pleading stage. *See* Minute Order, docket no.
21. The Washington Supreme Court held in *Walston v. Boeing Co.*, 181 Wn.2d
19 391 (2014) that proof of knowledge of certain injury was required after discovery
and expert testimony. Here, Plaintiff is seeking discovery related to that topic.

20 (b) Arconic, Inc. is ORDERED to respond to Plaintiff's Interrogatories
21 Nos. 1-4, but Defendant may limit its responses to employees at the Alcoa
Wenatchee Works and may use pseudonyms or numbers in place of employee
22 names. Defendant has not demonstrated how disclosure of this information
"identifies or can readily be associated with the identity of a patient" in a way that
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1 would violate HIPAA or the Washington Uniform Health Care Information Act.
2 RCW 70.02.010(17); *see also* 45 CFR 160.103 (“Protected health information
3 means individually identifiable health information”). Plaintiff’s requests for
4 information related to other facilities is not proportional to the needs of the case
5 due to the burden and expense it would impose on Defendant relative to the
6 potential importance of that information to the issues in this case. Fed. R. Civ. P.
7 26(b)(1).

8 (c) Arconic, Inc. is ORDERED to produce documents responsive to
9 Plaintiff’s Request for Production No. 4, but Defendant shall redact any names,
10 addresses, social security numbers, and/or dates of birth appearing on any of those
11 documents to ensure the information in the documents cannot be used to link
12 patient identities to other medical information.

13 (d) Arconic, Inc. is ORDERED to produce workers compensation
14 records in response to Plaintiff’s Request for Production No. 2, but may limit
15 responses to employees at the Alcoa Wenatchee Works and Defendant shall redact
16 any names, addresses, social security numbers, and/or dates of birth appearing on
17 any of those documents to ensure the information in the documents cannot be used
18 to link employee identities to other medical information. Plaintiff’s requests for
19 information related to other facilities is not proportional to the needs of the case
20 due to the burden and expense it would impose on Defendant relative to the
21 potential importance of that information to the issues in this case. Fed. R. Civ. P.
22 26(b)(1).

23 (e) Arconic, Inc. is ORDERED to amend its discovery responses to
indicate whether it is withholding any documents on the basis of its “General
Objections” and if so, to describe the particular facts underlying the objection.
The Court reserves any ruling regarding whether Defendants’ boilerplate
objections should be deemed waived pending Plaintiff’s review of the amended
responses and supplemental document productions. *See Mancia v. Mayflower
Textile Servs. Co.*, 253 F.R.D. 354, 363-64 (D. Md. 2008).

(f) Except as granted by this Minute Order, the Motion is otherwise
DENIED.

(g) Because the Court has granted the Motion in part and denied it in
part due to the overbreadth and disproportionate burden associated with some of
Plaintiff’s requests, the parties shall bear their own fees and costs in connection
with the Motion. Fed. R. Civ. P. 37(a)(5)(C).

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 25th day of February, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk